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ABSTRACT

To explore the issue of local control over public education, five major questions have been identified and followed by responses from a variety of sources that depict existing conflicts and diversity in opinion. The responses illustrate that resolutions of the local control problems are uncertain, not due to lack of direction by participants, but rather by their conflicting interests. Four general principles are suggested for operating within the many influences and interactions in open school systems: the line for demarcation for maintaining local control should clearly be established; school boards should promote communication among participants in the system and themselves; local power should be in the hands of those local participants who show the most responsibility; and overall control of power should be within the duly elected school board who is, by action, representative of local participants of the system. (Author/DW)

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# Local Control - An Overview of Conflicting Voices

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Public education has attained unquestioned prominence in the United States. Since its initial entry via the Massachusetts laws of 1642 and 1647; through the year 1789 when schools were still basically private or church institutions; through the 1800's when there were more than 100,000 operating districts to 1972 when there were approximately 16,000; to 1940 when the national expenditure per child in grades K-12 was $100 to 1973 when the amount increase to $1000; and on-ward to the 1973 school expenditure of almost $52 million (exclusive of construction) to a predicted $70 million in 1982; and now facing annual enrollment decreases from 400,000 to 500,000 during the 1973-82 years illustrates the magnitude and variables that have resulted in education now being recognized as a federal, state and local activity with significant social, political and economic values and impacts.

Americans are currently in the midst of conflict, reassessment, and decision-making regarding such perceived societel ills as discrimination, pollution, crime, war, disease, poverty and individual rights. Due to education's reciprocal relationship with society as a whole, it is understandable that schools will be affected. But the variables that influence our educational system are so complex that it is often difficult to sort out any one set of circumstances that would speak to a specific topic. This became very evident when identifying issues affecting the subject, "local control". The purpose of this paper will therefore not be to sort through all issues affecting local control, but instead to identify several of the major questions that

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have conflicting opinions and represent major obstacles regarding solutions to problems facing public education in the 1970's.

Local control of public education was initiated with our country's birth. Because there was no specific mention of education in the United States Constitution, most states historically delegated this responsibility to local units of government along with a grant of taxing power which, in our early history, assured nearly equal access to taxable revenues and educational opportunities for all youth.(1)

The basic philosophy of delegating the task of public education from state to local governments has as its basis a control factor. The desired effect of having each local governmental unit establish its educational policy without hierarchical influence agrees with our understanding of the integral relationship between freedom, public education, and republican government.

Prior to the 1950's decision-making in educational matters was reserved for school boards and professional educators who were typified by their isolation from external influences. Public education was a closed system and local control was accepted by implication. Historically, the local control concept was untested for it was thought to be lodged in the hands of the local school board who in turn represented the community citizenry and their interests.

Since World War II, this has abruptly changed. Public education must now be considered as an open system that is vibrating with awakened influences and interactions. Influences provided by increased and active participants, their varied interests, and resultant events that have caused interactions that intermix social, economic, and political arenas.

Participants have increased from school boards and citizens to include teachers, students, administrators, as well as politicians and agency representatives on local, state, and federal levels. Interests as reflected in the education system have become all encompassing with exertion for interaction being provided by new participants, not for the protection of local control, but more for its erosion. The concept of power rather than control seems appropriately more descriptive for the action being exerted on public education.

To help explore the plight of our present education system, five major questions have been identified in this paper followed by responses that depict existing conflicts. This seemed to be the best approach for illustrating that resolutions of the local control problems are uncertain and that this uncertainty is not due to lack of directional thrust by participants, but rather by their conflicting interests. This approach is also attempted with the clear understanding that all influences are not included and no one community can be defined solely within the scope of these questions.

IS THERE ANY ONE INTEREST OR PARTICIPANT THAT IS DOMINANT IN EXERTING ITS POWER TO CHANGE LOCAL CONTROL?

A February, 1975, article in Compact Magazine published by the Education Commission of the States[2], states that there are three power groups to reckon with--teachers, citizens, and state legislatures. Teachers because of their strength, citizens because of their frustration, and legislatures due to their more assertive role in education decisions. Conflicting interests among these participants are clearly illustrated in this article.

(A leading Minnesota legislator)[3]. "I don't like school boards telling the legislature what should be the policy because I think the legislature should be making policy, telling the boards to carry it out."

According to findings of the National Committee for Citizens in Education (NCCE)[4], "the public has definitely lost control of public schools, but no power is clearly emerging as supreme." The report goes on to state that teacher organizations are viewed as the most effective new power.

(Albert Shanker, President of the American Federation of Teachers)[5]. "The schools have become a scene of conflict and confrontation. When you encourage large groups of citizens to participate, then the whole function of education can no longer proceed, just as a hospital couldn't function if everyone in the community decided to come in and to participate, to advise doctors what to do."

(Carl Marburger, Head of the National Committee for Citizens in Education)[6]. "Citizens' advisory committees are not good enough. What are needed are citizens' shared decision-making committees."

The Public Affairs Report, a publication of the Institute of Governmental Studies[7], in June, 1974, stated that the alienation of teachers historically increased as school systems grew and their ability to communicate was lost. "Whereas, they were once relatively voiceless vassals, teachers' organizational spokesmen frequently are as powerful now as a district's professional administrators." The article also states that veto power is being exercised by teachers over school board policy because "a school system can't enact and implement new policy without consent of the teacher spokesman."

A New York Times[8] September 22, 1974, news article states that financial contribution reports filed by the nation's teachers' organizations indicated that they would spend more than $2 million before the November election. This commitment to political candidates has now made them "one of the best financed special interest groups in the nation."

Michael Usdan, Professor of Education at the City University of New York[9] states that "The school finance crisis at the local level is being exacerbated by rising teacher militancy which is further straining already saturated property tax rates." He also states four years ago that the "time consuming and strenuous demands of the negotiations process and the inadequacies of most local boards of education to cope with them may push teacher negotiations to the regional, metropolitan, state, or even federal level faster than many imagine."

The Chronicle of Higher Education[10] in its March 31, 1975, issue, states that "in a poll conducted by the Education Commission of the States and The National Conference of State Legislatures, state lawmakers rated public-employee collective bargaining as the top issue before them."

CITIZENS HAVE LONG CONTENDED THAT LOCAL FINANCING OF PUBLIC EDUCATION WOULD GUARANTEE LOCAL CONTROL OF THE EDUCATION PROCESS. IS THERE REASON TO QUESTION THAT CONTROL CONCEPT?

Frank Lutz, Pennsylvania State University[11] states, "If local control of education is to survive, we must find more effective ways of mobilizing the electorate in local tax and bond referendums. In addition, we must discover ways of providing a broader local tax base

such as a federated school system would provide, while at the same time making community participation in educational governance more practical and public education more accountable to the clients it serves."

An article entitled "Local Control: Fear or Fantasy?"(12) excerpted from the New Jersey Education Reform Project states that, "from all existing evidence, there is no inevitability about the dreaded relationship between centralized fiscal responsibility and decentralized decision-making." It further states that although revenue control would be lost, control over expenditures could remain with local community.

In a National Educational Finance Project conducted by the University of Wisconsin,(13) on fiscal capacity and fiscal equity it was found that,"greater fiscal equity cannot be achieved through taxes levied by units of local government; it can be achieved only through taxes levied by larger taxing units such as state or federal government."

In a study conducted in conjunction with the National Education Finance Project,(14) it was demonstrated clearly that it is possible to achieve greater fiscal equity for taxpayers in a county if all school districts within that county are considered as one fisacl unit for taxing purposes.

Lawrence Iannaconne in his book The Politics of Education,(15) asks the following questions related to local contrcl, local financing and citizen participation:

1. What price is paid for maintaining control of politics of education?
2. At what point does this position reduce the capacity to compete advantageously for resources?

3. At what point should we be guided by the rule that too many cooks spoil the broth rather than two heads are better than one?

DOES LOCAL CONTROL MEAN RESPONSIVENESS TO LOCAL NEEDS?

Joseph Cronin, Harvard University Graduate School of Education[16] states that the 1970's are calling for community control, extensive decentralization, voucher plan and power to the people.

Quoting again from Frank Lutz,[17] he states that the "American society at all levels is becoming increasingly secular and pluralistic. Its demands are more fragmented and faith in established systems of governance, including school boards, less stable." He believes that school boards are providing no public evidence that members on the board are representing opinions, beliefs, values or needs of the minority on any issue for they are operating on a consensual voting pattern.

Robert Bendiner, in his book The Politics of Schools[18] emphasizes that political powers no longer agree with the social needs of the people and the governoring groups are therefore not effective. He believes that an evaluation of our frustrations will leave no doubt that we have already moved into a downward spiral and that "the saving of our school boards, even the saving of our schools, is only an aspect of the larger more desperate need to save our cities. In saving our cities we can possibly save the nation."

A Public Affairs Report[19] states that school consolidation has caused school board members to lose "their ability to sense and articulate the values and desires of the constituents, and translate them into policy." In the 1900's one school board member represented

200 people whereas with population increase and school districts decrease he now represents 3000.

Donald McCarthy, Dean, College of Education, University of Wisconsin, Madison,(20) stresses that communities influence their public schools according to the political power structure of the citizens. He believes that the great mass of citizens is really oriented toward non-participation in community affairs and they will usually avoid involvement unless motivated by a controversy.

Dean McCarthy gives four types of local power structures whose characteristics can easily be transferred to school boards and identified with their patterns of decision-making.These four include Dominated, Factional, Pluralistic, and Inert.

Dominated. Power structure is pyramidal with a few or one man at the top. Power may be given by economics, religion, ethnicity, politics or some other uni-centered interest. This structure does not allow for conflict between sides of relatively even strength.

Factional. Power structure provides competition between two factions for control over important decisions. These factions usually rally around central issues involving religion, politics, occupations, or economic philosophies.

Pluralistic. Power structure is diffused and leadership varies with issues. Definite community interests exist, but power is contestable and not overwhelming.

Inert. Power structure is dominated by the status quo.

Dean McCarthy feels that because future educational issues are so massive, citizens must become actively involved in reordering educational goals and priorities.

DOES STATE GOVERNMENT POSE A THREAT TO LOCAL CONTROL?

Lawrence Iannaconne[21], states that "the governor's leadership in education is most often non-existent, and when it does exist it appears sporadically reflecting idiosyncratic character of particular governors and/or education crises in specific states."

The Madison State Journal[22], in July 1973, carried an article by political columnist John Wyngaard that not only emphasized the State of Wisconsin's invasion into local government, but how citizen apathy is at a serious level.

He states that once, "the conviction that home rule was best and that government governs best that governs at the most intimate range was embraced in Wisconsin politics only slightly less faithfully that the concepts of motherhood and flag." Now, "a doctrine of centralism has been accepted without overt declaration. As the State has become increasingly the dependent and the agent of Washington, the men and women in the city halls and school board offices and courthouses and town halls have gradually accepted the idea of central direction and policy and financial supervision from Madison."

The State of Wisconsin, by Chapter 90, Laws of 1973, (See Appendix 1), have set School District Standards, in such areas as: minimum salary; inservice programs for teachers; remedial reading; kindergarten; guidance and counseling; nursing service; library/media services; updating safety/health conditions in facilities; K-12 grade programs in health, physical education, art, and music.

The State of Wisconsin, by Chapter 89, Laws of 1973 (See Appendix 2) expands and requires special education programs in school districts for all children ages 3 to 21 who have exceptional educational needs. Special services shall include physical, developmental, hearing, visual, speech, language and learning disabilities, pregnancy, mental retardation and emotional disturbance. A State council on Special Education consisting of 15 people shall also be created.

Presently the Governor of Wisconsin, is proposing that the State Superintendent of Public Instruction, who is a state elected official, now be appointed by the Governor and be a member of his cabinet. This is especially interesting when one relates the approach to Inanniconne's statements. He finds that research identified state school boards "as a buffer role protecting a degree of separatedness for educational agencies and state politics of education from the major bodies and offices of state government rather than as the role of initiating state educational policy."

IN VIEW OF ALL LOCAL CONTROL CONFLICTS BEING VOICED, WHAT EXPERIMENTAL PROJECTS ARE BEING IMPLEMENTED AND EVALUATED?

("Organizing a Urban School System for Diversity." The Boston Report.)[23] The purpose was to provide an information system that would provide citizen input to decision making on program and policy issues.

Implementation aspects of the program included such recommendations as:

1. Creation of school councils consisting of parents, teachers, and students with the principal as an ex officio member;

2. Election of 5 parent representatives and 3 educators to an executive board for each school. Each school then sends a representative to an area council to plan for a network of schools such as one high school area;
3. Officers of the executive board would be consulted on school budget, major staff changes and building alterations, as well as, criteria for selection of principals and recommendations concerning school achievement; and
4. An ombudsman would be active to investigate citizen or consumer complaints about the school system.

("Childhood and Governance Project." Oakland, California)(24) An experiment in the separation of revenue control from control over allocation of expenditures. Lump sums of money are being presented by the school district to individual schools and budgeting into programs is done at the school site.

( "Voucher Experiment." Alum Rock, California)(25). An experiment in assessing consumer choice in education. The Rand Corporation and others want to determine"the degree to which the experiment increases parent satisfaction, diversity of school offerings, teacher morale, and student performance."

Parents receive a coupon for each of their children enrolled in public schools that is equal to their cost of schooling. Each parent has about two dozen choices of programs for enrolling their children and the one that is chosen receives the dollar value of the coupon to support their programs including salaries. School programs as well as instructional style, vary within and between schools with options

including 3 R's, dramatic arts, science, cultural pluralism, as well as open classrooms and informal instruction. Parents can relocate their children if they have dissatisfaction.

This is concluding its third year and one set of findings indicated that 60% of the parents chose traditional school programs, and 40% new programs. About 11% were going out of the neighborhood to other schools.

("School Site Governance." The Florida Plan.)[26] The Florida State Legislature adopted a set of reforms in 1973 intended to reinforce responsiveness of schools to the public. Specific objectives include:

1. to permit citizens to have a greater role in policy setting; and
2. to provide data necessary for wise judgements and to implicitly convey to the professional educators that they are responsible for implementing citizen decisions.

Implementation features of the program include:

1. the individual school site is a basic unit of educationsl management;
2. each school site has an elected Parent Advisory Council with influence over the selection of a principal and his contract renewal;
3. the principal is the manager of the school and he selects his school staff;
4. fiscal accounts in the school district are kept on a school-by-school basis;
5. each school publishes an Annual Report of School Progress including school and pupil performance, publishes it in local newspapers, sends it home to the parents, and prominently displays it in school buildings.

Conceptually and legally local control continues to be delegated to the community's school board. Realistically, interactions within the system between the increasing participants, have caused events to take place whereby local control must be evaluated by all school boards. A system to stay alive and healthy must respond to its environment, but is also must have a basis for that response. Unless school boards become active participants, they will be powerless to exercise control over their own system.

Active participation by school boards does not need to mean waiting for a research grant with outside money or a legislative mandate. It can mean opening the system by increasing communication between the school board and participants so an exchange of interests is possible prior to conflict events taking place.

In assessing the Green Bay school district which has 22,000 students, 37 buildings, 2000 employees and 115,000 citizens, our school board decided that there were ways -some simple, some a little more involved- that we could open our system and permit more direct citizen input.

In addition to the citizen and teacher involvement in our educational advisory committees, we have now initiated:

1. Scheduling all school board committee meetings in the evening;
2. Conducting a 30 minute public forum prior to our regular board meetings;
3. Scheduling our monthly property committee meetings in different schools throughout the district;
4. Dividing and assigning our 37 schools among board members with these listings then sent to school principals and Parent-Teacher organizations.

5. Employing a senior administrator with direct responsibility for working with assessment programs that includes specific objectives for reach-out citizen involvement and school policy input. Two official committees initiated this year are Secondary Schools Assessment and Smoking, Alcohol, and Drugs.

Perhaps the Green Bay approaches and those in California and Florida are still too restrictive, for decision-making is usually not including our students. With increased emphasis on student rights, with the 18 year old legal age, with juvenile crime increasing, and with apathy demonstrated by their voting records, it seems logical to assume that they legally are available to become active participants, but their interests are not motivated to approach some of their own problems.

If we consider that:

1. schools reflect society and is subject to all its ills as well as it benefits;
2. that by enforcing compulsory education we have a captive segment of our public;
3. that the crime rate in our schools has now reached the crisis level;
4. that legal restrictions are causing administration and regulation of our schools to be an insurmountable task; and
5. that one of our prime responsibilities of education is to prepare each child for citizenship and responsibilities not only to himself but to others; it appears as though our youth must become active participants in governoring their own environment.

This in turn means that local control does not need to concentrate strictly on academic content, teaching methods, and achievement aspects of our school system.

A Senate Juvenile Delinquency subcommittee reported on April 9, 1975, that violence and vandalism in our schools have now reached an annual expenditure of $500 million which is equal to 1972 textbook costs. The report shows between 1970-73 the following crime increases in our schools took place: homicides (18.5%); rapes and attempted rapes (40.1%); robberies (36.7%); assaults on students (85.3%); assaults on teachers (77.4%); burglaries on school buildings (11.8%); drug and alcohol offenses on school property (37.5%); and drop-outs (11.7%).

Is it possible that due to the many restrictions facing us that very little policy can be effectively mandated to participants of the system, and what is really needed is a "ground-swell?" Is it possible that each secondary school could be considered as a community? Is it possible that students and other participants in a school could follow the governmental structure of the community? Is it possible that citizenship and responsibility to each other could be realistically experienced at this age-level and then transferred to the larger community as they reach adulthood?

I'd like to suggest the thought that each school have a community governmental structure with the principal acting as the mayor and proportional elected representation from students, school professional and non-professional staff, parents, and citizens in immediate vicinity of the school. That other portions of the governmental structure be appointed and hired by this council including health and sanitation, fire, police protection, etc. That school/community goals be established, continually reviewed, and funds be allocated whereby their decisions can be implemented and have direct relationships to their environment.

Many problems and many concepts confront us as school board members and all have a direct relationship to local control. These can be exciting times for at no other place in our history has there been so many challenges and where we can assume the change-agent role as a school board member.

Even with the many influences and interactions in our school system a limited number of principles seem to be evident for us to uphold:

1. the line for demarcation for maintaining local control should clearly be established between local communities and other hierarchial governmental units;
2. school boards should promote communication among participants in the system and themselves so the distribution or concentration of power can be within a healthy environment;
3. local power should be in the hands of those local participants who show the most responsibility toward bettering the system for the welfare of our youth and our nation; and
4. overall control of power should be within the duly elected school board who is by action, representative of local participants of the system.

Note: Any 1/3 (5 standards) were to be met during school year 1973-1974 with no additional requirements for school year 1974-1975. All standards are to be met by July 1, 1975.

DEPARTMENT OF PUBLIC INSTRUCTION

Adopting, Amending, and Repealing Rules

Pursuant to authority vested in the State Superintendent of Public Instruction by Chapter 227, Wisconsin Statutes, and Section 121.02(2), Wisconsin Statutes, as recreated by Chapter 90, Laws of 1973, and as amended by Section 164, Chapter 333 Laws of 1973, she hereby repeals, amends and adopts rules as follows:

That PI 8.01 121.02 SCHOOL DISTRICT STANDARDS is created to read:

(1) In order to be eligible for state aids under s. 121.07, a school district shall meet the following standards under criteria established by the Department of Public Instruction in compliance with s. 121.02(2):

(2) To assure that the children of Wisconsin will have available an educational program meeting statutory standards and pursuant to s. 121.02 of the Wisconsin Statutes, the Department of Public Instruction establishes the following criteria:

(a) Each school district board shall certify annually that every teacher, supervisor, administrator, and other professional staff member has been issued a valid certificate, license or permit by the Department for the position for which he/she is employed before entering on duties for such position and that a copy of the valid certificate, license, or permit is on file in the district.

(b) Each school district board shall certify annually that every teacher is paid at least the minimum salary and granted the sick leave specified in s. 121.17 and that the district complies with ss. 42.39 to 42.43, 118.01, 118.02, 118.07(2) and 120.13(14) of the Wisconsin Statutes.

(c) Each school district board shall establish a procedure by which its teachers, supervisors, administrators, and other professional staff members formulate a long-range inservice plan and operate an annual inservice program for all professional staff members. The plan and program shall be directed toward meeting the cooperatively identified needs of the school district and of individual staff members.

(d) Each school district shall identify and diagnose underachieving students in reading in grades K-3 (kindergarten through third). Such identification and diagnosis shall be directed or performed by Department certificated personnel who have earned at least six semester credits in courses dealing with the measurement of reading skills and achievement and/or the diagnosis of reading difficulties. Children with such identified and diagnosed reading deficiencies shall receive instruction and services directed toward the removal of the deficiencies. Such instruction and services shall be coordinated with all other reading instruction.

(e) Each school district shall operate a kindergarten program in which all five year old children of the district may be enrolled. The teachers shall be certificated by the Department to teach kindergarten. Physical facilities, equipment and materials shall be provided for a program which includes opportunities for learning basic concepts and skills in language arts, fine arts, social studies, science, mathematics, and physical education.

(f) Each school district shall operate or be part of a cooperative or otherwise make provision for education programs for children with exceptional needs as stipulated in Chapter 89, Laws of 1973, pursuant to the administrative rules developed by the Department.

(g) Guidance and counseling services shall be provided for all students. The district shall have on file written evidence that its guidance and counseling program is systematically planned and directed by Department certificated guidance and counseling personnel. Guidance and counseling activities in grades 7-12 shall be performed by Department certificated guidance and counseling personnel. Supervision and direction of guidance and counseling activities in grades K-6 shall be provided by Department certificated guidance and counseling personnel. The program of guidance and counseling shall include providing vocational, educational, and personal-social information; pupil appraisal; placement; referral, research; and follow-up activities.

(h) The hours of a regular full school day for each school in the district shall be established by written school board policy. School shall be held and students shall receive actual instruction for the equivalent of at least 180 such regular full school days. School days on which school is not taught as stipulated in s. 115.01(10)(a) and inservice days shall be in addition to the 180 days of actual instruction as herein required.

(i) Emergency nursing service shall be provided under the direction of a nurse(s) registered in Wisconsin. Arrangements shall be made with a physician to serve as medical advisor for the emergency nursing service. Written policies for emergency nursing services shall be established. These policies shall include procedures for dealing with accidental injury, illness, and medication at all school sponsored activities. An annual review shall be made of the emergency nursing services. Emergency nursing services shall be available during the regular school day including curricular and co-curricular activities of pupils. Equipment and supplies for the emergency nursing services shall be readily accessible.

(j) All students in grades K-6 shall be provided with library/media services performed by or under the supervision of Department certificated library and audiovisual personnel. All students in grades 7-12 shall be provided with library/media services performed by Department certificated library and audiovisual personnel. A Department certificated person in the library/media field shall be designated to provide direction and coordination for the district's library/media program. All students shall be provided access to a current, balanced collection of books, basic reference materials, texts, periodicals, and audiovisual materials, which depicts in an accurate and unbiased way the cultural diversity and pluralistic nature of American society. There shall be on file a written school board approved long-range plan for library services development formulated by students, teachers, library and audiovisual personnel, and administrators. This plan shall point the direction toward programs described in the current Standards For School Library/Media Programs published by the Department.

(k) A long-range plan shall be developed, adopted, and recorded by the school board which defines the patterns and schedule for bringing the district operated facilities to the level of the standards established for safe and healthful facilities. The school board shall comply with all regulations, state codes, and orders of the Department of Industry, Labor and Human Relations and the Department of Health and Social Services and all applicable local safety and health codes and regulations. The facilities shall be inspected at least annually for potential or demonstrated hazards to safety and health, and

hazardous conditions shall be corrected, compensating devices installed or special arrangements made to provide for safe and healthful facilities. Maintenance procedures and custodial services shall be conducted in such a manner that the safety and health of persons using the facilities are protected. Responsibility for coordinating all activities related to the safety and health considerations of the facilities for the entire district shall be assigned to one individual.

(l) 1. Health instruction shall be provided in accordance with a written comprehensive health education curriculum which includes the curricular areas defined in ss. 115.35 and 118.01(2) of the Wisconsin Statutes. A professional staff member shall be designated as coordinator of health education. Health education in grades K-6 shall be under the supervision of a Department certificated health teacher. In grades 7-12 health education shall be conducted by or under the supervision of a Department certificated health teacher and shall include one structured course in health taught by a Department certificated health teacher.

2. Physical education instruction shall be provided in accordance with a developmental, sequential, comprehensive physical education curriculum and program of instruction for all students. Instruction in grades K-6 shall be daily* and shall be conducted by or under the supervision of a Department certificated physical education teacher. All students in grades 7-12 shall participate in the instructional program of physical education taught by a Department certificated physical education teacher except that in senior high schools which offer programs based on Lifetime Sports one year or the equivalent may be optional. (*Days on which special activities are conducted may be exempt.)

3. Art instruction shall be provided in accordance with a written comprehensive art curriculum which is based upon concepts developed through sensory awareness, aesthetic discrimination and skill development in the creation of art and the knowledge of human art heritage. Art instruction shall be provided for all students in grades K-6 and shall be performed by or under the supervision of a Department certificated art teacher. Art instruction shall be available to all students in grades 7-12 and shall be taught by a Department certificated art teacher.

4. Music instruction shall be provided in accordance with a written comprehensive music curriculum including developmental experiences involving singing, playing instruments, listening, movement, creative expression and music reading. Music instruction shall be provided for all students in grades K-6 and shall be performed by or under the supervision of a Department certificated music teacher. Music instruction including general music, vocal music and instrumental music shall be available to all students in grades 7-12 and shall be taught by a Department certificated music teacher.

(m) A school district operating only grades K-8 or grades 9-12 shall annually certify and levy a tax at a rate of at least three mills. A school district operating grades K-12 shall annually certify and levy a tax at a rate of at least five mills.



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CHAPTER 89:

A PRIMER FOR PARENTS

There are approximately 105,000 children with exceptional educational needs in Wisconsin. Some of them are being served by our public school system. Many are not. In fact, only half of all the handicapped children in Wisconsin are receiving the special education services they need.

A. WHAT IS CHAPTER 89?

In August 1973, Chapter 89 of the Laws of Wisconsin was signed into law. This model legislation guarantees the right to a public education for all children with exceptional educational needs. Regardless of handicap all children are required to attend school between the ages of 7 and 16, or 18 where there is a vocational school in the district. Schools also must make education programs available for handicapped children between the ages of 3 and 21. Most importantly, it is the responsibility of the school district in which a child with exceptional educational needs resides to ensure that the child is able to receive at public expense an education tailored to his or her needs and capabilities. Special assistance, services, classes or centers are to be provided whenever necessary.

B. CHAPTER 89 IS FOR WHOM?

The law is designed to serve all children with exceptional educational needs. It states that a "child with exceptional educational needs means any child who has a mental, physical, emotional or learning disability which, if the full potential of the child is to be attained, requires educational services to the child to supplement or replace regular education". Some examples of conditions which may require special educational services are physical, developmental, hearing, visual, speech, language and learning disabilities, pregnancy, mental retardation and emotional disturbance.

C. HOW ARE CHILDREN IDENTIFIED?

Children who are believed to have exceptional educational needs can be brought to the attention of local school [illegible] number of ways. First, a physician, nurse, social worker, or administrator of a social agency can make a referral. A notification that a referral has been made must be sent to the parent. Second, the school district must screen a child when he first enters public school or transfers to a school within the district. Screening opportunities are also provided for all other children including those under 5 years of age. Third, teachers and other school professionals can refer children they identify in the classroom. And fourth, parents themselves can contact the local school district and refer their child for evaluation if they feel their child needs special education.

D. WHAT IS THE PROCEDURE ONCE A CHILD HAS BEEN IDENTIFIED?

Each school district is required to create a multidisciplinary team composed of at least two persons skilled in assessing exceptional educational needs and determining appropriate programs. The team will examine children who are referred to it through the screening process or an individual's report, but first the school must receive written parental consent. Once consent has been obtained, the multidisciplinary team, will examine the child and consult with his parents. If it is in the best interest of the child, the team will recommend to the school board that the child receive special education programming and recommend a specific education program tailored to the child's needs. Before the child can actually be placed in a special program, a second written parental consent is required. A child who is in a special education program must be re-evaluated at least once every three years in order to keep abreast of changes in the child's development.

E. WHAT ARE MY RIGHTS AS A PARENT?

Chapter 89 provides a parent or guardian every possible opportunity to participate in the determination of a child's needs and recommendations to meet those needs. Even after giving written consent to an evaluation and program plan, a parent or guardian has the right to appeal, in accordance with due process procedures, any decision made by the school board based upon a recommendation by the multidisciplinary team. A parent can appeal a) a decision to place a child in or remove him from a special education program, b) a decision not to place him in a special education program, c) the adequacy of a particular special education program, or d) failure to place a child in a special education program. The law also provides parents the right to an independent examination or evaluation if they believe the evaluation or diagnosis of their child is in error. The school board will pay for the examination if the parents are financially unable to pay.

The school board will hold a hearing within 60 days of the date of an appeal by a parent. During the hearing the parent is given access to all reports, records or evaluations which have a bearing on the child's placement or removal from a special education program. The parent may determine whether the hearing should be public or private, examine and cross-examine witnesses, introduce evidence, appear in person or be represented by an advocate. The school board must issue a decision within 30 days of the hearing. The parent may then appeal within 30 days to the state superintendent who has another 30 days within which to issue a decision. Finally, the parent may appeal to circuit or county court within 30 days.

F. WHAT STEPS DO I TAKE TO OBTAIN SERVICES FOR MY CHILD

If your child continously has difficulties in school keeping up with the work expected for his grade level and you suspect a problem, your child may be eligible for services under Chapter 89 and an appropriate evaluation of your child should be actively pursued.

Write a letter to your local school district administrator stating your child's problem as specifically as possible and ask that your child be seen by the multidisciplinary team for evaluation and a program recommendation as specified in Chapter 89. Your should receive a response from the school indicating their procedure for p roviding evaluation and diagnosis services.

Have a conference with the teacher, principal and any other school personnel who are actively involved with your child. The purpose of the conference is to share your concerns and work together in referring your child for evaluation.

The school will ask for written parental approval for the multidisciplinary team to evaluate your child. The team will then carry out the evaluation, consult with the parents and formulate recommendations for the child within 20 school days after receiving written parental permission for the evaluation. If the school informs you that it is unable to provide an appropriate evaluation or placement for your child, send a letter to: State Department of Public Instruction, Division for Handicapped Children, 126 Langdon St.: Madison, Wisconsin 53702, (608) 266-1781 - stating your problem and asking for assistance. You may wish to send a copy of the letter to the school district administrator.

Seeking help for your child may not always be an easy process. If you would like help in your efforts contact your county Mental Health Association. Assistance can be given in communicating with the school, meeting with school personnel and finding answers to your questions.

Chapter 89 may offer your child and 105,000 other Wisconsin children the education they need and deserve.

FOOTNOTES

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(21) Lawrence Iannaconne and Peter J. Cistone, op. cit.

(22) John Wyngaard, "State's Home Rule Concept is Perishing," (Madison, Wisconsin: Wisconsin Press Association, July 27, 1973).

(23) Joseph M. Cronin, op. cit.

(24) Susan H. Fuhrman, op. cit.

(25) James W. Guthrie, op. cit.

(26) Ibid.